

Application No.: 10/059,096**Docket No.: 30012962-3 US (1509-264)****REMARKS**

Dependent claims 66-68, respectively dependent on claims 15, 37 and 55, and that define the cylindrical locus of points feature of claim one, have been added to provide applicants with the protection to which they are deemed entitled.

Applicant traverses the rejection of claims 1-65 under 35 USC 103(a) as being unpatentable over US patent 5,943,427 to Massie et al. in view of US patent 6,154,549 to Orin et al.. The office action admits Massey et al. fails to disclose the requirement of independent claims 1, 28 and 46 for rendering positions associated with the cell sources to be on at least a portion of a cylindrical locus of points. The office action then says Arnold et al. discloses different spatial environments provided for the user in order to provide a user with the desired spatial environments with great realism or even surrealism in the production of sounds and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Massey et al. with the teaching of Arnold et al. to provide different spatial environments for use and/or provide the user with the desired spatial environments with greater realism or even surrealism in the production of sounds.. in other words, the office action tacitly admits Arnold does not disclose the features of rendering positions associated with the sound sources being on at least a portion of a cylindrical locus of points.

Since neither reference discloses the cylindrical locus of points feature, the rejection is improper. MPEP Section 2143.03 and the decisions cited therein require all claim limitation is to be taught or suggested by the prior art. Because the office action admits to the "cylindrical" feature is not taught by the applied references and does not properly indicate how this feature is suggested, the rejection of claims 1, 28 and 46 is incorrect. The statement in the office action that the audio of specialization clues are generated based on the location and/or velocity of one or more emitters associated with the sound sources being on at least a portion of a cylindrical locus of points relative to a sound receiver is a leap of faith. Hence, the reliance on Arnold et al. for this feature is

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wrong.

The allegations in the office action that independent claims 15, 37 and 55 are similar to claim 1 are incorrect. Claims 15, 37 and 55 require rotating and displacing the audio field. Claims 37 and 55 also mention offset control. The foregoing features of claims 15, 37 and 55 are not mentioned in claim 1. In addition, claims 15, 37 and 55 do not include the "cylindrical" feature of claim 1. Hence, the office action incorrectly says claims 15, 37 and 55 include the same limitations as claim 1 and, therefore, are incorrectly rejected.

Because the rejection of the independent claims is incorrect, the dependent claims are also incorrectly rejected.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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